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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

THAN HUA, et al.,)	
)	Civil No. 06-3031-PA
Plaintiffs,)	
)	
v.)	ORDER
)	
ELIZABETH DOE, et al.,)	
)	
Defendants.)	

PANNER, Judge.

Plaintiffs Thanh Hua and Tyet Huynh bring this action for discrimination. Defendants Horizon Inn and Kensington Management move to dismiss the Third Claim, which alleges a violation of ORS 659A.406. Defendants' motion relies upon ORS 659A.875(4), which allows a plaintiff one year to commence an action for violation of ORS 659A.406.

Or, to be precise, that is how ORS 659A.875(4) reads today. What Defendants overlook is that the language they rely on was not enacted until July 7, 2005. 2005 Oregon Laws, Chapter 452, § 1. The effective date of Chapter 452 was January 1, 2006. The events at issue allegedly occurred on or about August 14, 2004.

Any question of retroactive application is quickly resolved by Section 2 of Chapter 452, which states that:

The amendments to ORS 659A.875 by section 1 of this 2005 Act apply only to conduct giving rise to a cause of action under ORS 659A.403 or 659A.406 that occurs on or after the effective date of this 2005 Act.


The conduct at issue predates the effective date of the Act. Accordingly, the limitations period established by ORS 659A.875(4) (2006) does not apply to the Third Claim. Defendants have not pointed to any other limitations period applicable to this claim, nor have Defendants furnished any other ground for dismissing this claim.

Conclusion

Defendants' motion (# 15) to dismiss the Third Claim is denied.

IT IS SO ORDERED.

DATED this 20 day of February, 2007.



Owen M. Panner
United States District Judge